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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/978,100	10/17/2001	Bertrand Houzel	215131US2	4401
22850	7590	09/01/2005	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.			PARK, JUNG H	
1940 DUKE STREET			ART UNIT	
ALEXANDRIA, VA 22314			PAPER NUMBER	
			2661	

DATE MAILED: 09/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/978,100

**Applicant(s)**

HOUZEL, BERTRAND

**Examiner**

Jung Park

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

### **DETAILED ACTION**

1. Claims 1-6 are pending for the examination.

### **Abstract Objections**

2. The abstract of the disclosure is objected to because applicant is reminded of the proper language and format for an abstract of the disclosure.

The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The "said" in the abstract should be removed.

The "Fig. 4" in the abstract also should be removed.

Appropriate correction is required.

### **Specification**

4. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

### **Arrangement of the Specification**

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

(a) TITLE OF THE INVENTION.

(b) CROSS-REFERENCE TO RELATED APPLICATIONS.

(c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.

(d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT

(e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR

1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or

REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)

(f) BACKGROUND OF THE INVENTION.

(1) Field of the Invention.

(2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.

(g) BRIEF SUMMARY OF THE INVENTION.

(h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).

(i) DETAILED DESCRIPTION OF THE INVENTION.

(j) CLAIM OR CLAIMS (commencing on a separate sheet).

(k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).

(l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

### **Claim Rejections - 35 USC § 102**

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

4. Claims 1-3 and 5-6 are rejected under 35 U.S.C. 102(e) as being anticipated by Raivio et al. (U.S. 6,879,566, hereafter "Raivio").

Regarding claim 1, Raivio discloses "the method of establishing a radio link at the interface between a base station and an access network controller (RNC) in a mobile telecommunication network ( Figure 1, RNC & Node B *where Node B is a base station* ), comprising the transmission by the access controller of a message requesting establishment of the link to the base station and the reception of a response message sent back by the station ( Figure 1, Interface I<sub>ub</sub> *where the messages through the interface between the RNC and the base station* ) the method being characterized in that the request message is formed by the concatenation of a message of the control protocol of the radio link and a plurality of messages of the transport control protocol on the link. ( col. 3, lines 18-53 *where the binding information (binding ID, format shown in Figure 4) is used for combining a radio network layer for carrying radio network-specific signaling and a transport layer for establishing user connections* )."

Regarding claim 2, Raivio discloses, "radio link establishment method according to claim 1, characterized in that the request message comprises the number of messages of the transport control protocol ( col. 5, lines 14-27 *where the request message processed on the transport network control protocol has the number of messages of the transport control protocol* )."

Regarding claim 3, Raivio discloses, "radio link establishment method according to claim 1, characterized in that the response message is formed by the concatenation of a message of the radio link control protocol and a plurality of messages of the transport control protocol ( col. 7, lines 38-50, *where the response message includes transport*

*layer messages and a binding ID, which is used for combining the link control protocol with transport control protocol).*"

Regarding claim 5, Raivio discloses, "radio link establishment method according to claim 4, characterized in that the ALCAP protocol messages included in the request messages are AAL2 connection request messages ( col. 6, lines 42-48 *where ALCAP protocol known as q.aal2 or as Q2630 is used for transport control protocol. Therefore, the request messages are AAL2 messages* )."

Regarding claim 6, it is claim corresponding to claim 5 and is therefore rejected for the similar reasons set forth in the rejection of claim 5.

#### **Claim Rejections - 35 USC § 103**

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Raivio in view of Willars et al. (US 2001/0053145, hereinafter "Willars").

Regarding claim 4, Raivio discloses, "radio link establishment method according to one of the preceding claims, characterized in that, the mobile telecommunication network being the UMTS network ( col. 1, line 44 ) and the interface being the I.sub.ub interface of the network ( Figure 1, element I<sub>ub</sub> ) and the transport control protocol is the

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ALCAP protocol ( col. 6, lines 42-48 *where ALCAP protocol known as Q.2630 protocol or as q.aal2 is used for the AAL2/ATM user data transport layer control plane.* )".

However, Raivio does not disclose what Willars discloses, "the radio link control protocol is the NBAP protocol ( Willars, col. 5, paragraph 0054 *where for the I<sub>ub</sub> interface, the application signaling protocol, which is a control protocol, is known as NBAP* ).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to combine NBAP protocol in Willars with Raivio's system on the I<sub>ub</sub> interface for the purpose of setting up channels. The motivation of using NBAP (Node B Application Part) protocol used between the RNC and the Node B is to configure and manage the Node B and setup channels on the I<sub>ub</sub> and U<sub>u</sub> interfaces.

### Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jung Park whose telephone number is 571-272-8565 and email address is jung.park@uspto.gov. The examiner can normally be reached on Mon-Fri during 7:10-4:40.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on 571-272-3126. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For

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more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JP

Jung Park  
Patent Examiner  
Art Unit 2661  
August 30, 2005



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